

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRADING TECHNOLOGIES INTERNATIONAL,
INC. ,

Plaintiff,

v.

eSPEED, INC. , eSPEED INTERNATIONAL,
LTD. , ECCO LLC, and ECCOWARE, LTD. ,

Defendants.

No. 04 C 5312

Chicago, Illinois
April 4, 2008
9:30 o'clock a.m.

VOLUME 2-A
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. MORAN

APPEARANCES:

Trading Technologies
International, Inc. , by:

TRADING TECHNOLOGIES
INTERNATIONAL, INC. ,
MR. STEVEN F. BORSAND
222 South Riverside Drive
Chicago, Illinois 60606
312-476-1000
steve.borsand@
tradingtechnologies.com

and

McDONNELL, BOEHLEN, HULBERT &
BERGHOFF, LTD.
MR. PAUL H. BERGHOFF
MR. S. RICHARD CARDEN
MR. CHRISTOPHER M. CAVAN
MR. MICHAEL D. GANNON
MS. JENNIFER M. KURCZ
MR. MATTHEW J. SAMPSON
MR. LEIF R. SIGMOND
300 South Wacker Drive
Chicago, Illinois 60606
312-913-0001
berghoff@mbhb.com
kurcz@mbhb.com

1 eSpeed, Inc., eSpeed
2 International, Inc.,
3 Ecco LLC, Eccoware,
4 LTD., by:

WINSTON & STRAWN
MR. IMRON T. ALY
MR. ANDREW M. JOHNSTONE
35 West Wacker Drive
Chicago, Illinois 60601
312-558-5600
glombardi@winston.com
rperkins@winston.com

LAW OFFICES OF
GARY A. ROSEN, P.C.
MR. GARY A. ROSEN
1831 Chestnut Street, Suite 802
Philadelphia, Pennsylvania 19103
215-972-0600

23 Court Reporter:

MS. CAROLYN R. COX, CSR, RPR, CRR
Official Court Reporter
219 S. Dearborn Street, Suite 1854-B
Chicago, Illinois 60604
(312) 435-5639

01:26:43 1 (The following proceedings were had in open court:)

01:26:43 2 THE COURT: We're ready.

01:26:57 3 - - -

01:26:59 4 MR. BERGHOFF, OPENING STATEMENT CONTINUED

01:26:59 5 MR. BERGHOFF: Before the break, TT unambiguously
01:27:02 6 told the examiner, you should just assume, your Honor, Mr.
01:27:06 7 Examiner, MD Trader is commercial, it was in use, had sales
01:27:13 8 brochures, call our sales offices, printed publications, it
01:27:18 9 was the invention publicly available as of March 2.

01:27:22 10 Now, what eSpeed is arguing here, and I believe Mr.
01:27:31 11 Rosen said this in his opening, is that we should have
01:27:34 12 disclosed more. That wasn't enough just to admit -- to
01:27:38 13 stipulate that MD Trader was prior art. What we should have
01:27:41 14 done was cite MD Trader and Mr. Brumfield's use of his what's
01:27:48 15 been called the custom software, the software we saw in the
01:27:53 16 March 15th video.

01:27:55 17 Now, I find this -- I find this very interesting
01:27:59 18 because Mr. Donefer, who was on the stand this morning, told
01:28:04 19 us point blank that in his opinion, the software, the custom
01:28:11 20 software that Mr. Brumfield was using, the software he was
01:28:15 21 referring to on the March 15 video, is the same as MD Trader.
01:28:21 22 It includes all the same features, and I don't think they're
01:28:26 23 saying anything different. So when we disclosed, when TT
01:28:30 24 disclosed MD Trader, how would it be any different to disclose
01:28:35 25 in addition the use after March 2 of the custom software?